

Remarks

Applicants have carefully reviewed the application in light of the Office Action dated May 16, 2003. At the time of the Office Action, Claims 25-49 were pending in the application. Applicants respectfully request reconsideration of all pending claims.

Section 102 Rejections

The Office Action rejects Claims 25, 30-34, 36-37, 38, 43, 44, 46, 47 and 48 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,845, 119 issued to Kozuka *et al.* (“Kozuka”). Applicants respectfully traverse this rejection and the determinations therein. *Kozuka* fails to teach, suggest, or disclose at least “providing a first existing executable module and a second existing executable module ... determining a first operation associated with the first existing executable module ... determining a second operation associated with the second existing executable module” as recited, for example, in Claim 25.

The Office Action appears to incorrectly equate the source code file 111 of *Kozuka* with “a first existing executable module and a second existing executable module” recited, in part, in the present claims. *See* Office Action, p. 2. There is no suggestion in *Kozuka* that source code file 111 is an “executable module”. Indeed, FIGURES 5A-C of *Kozuka* include an example of the human-readable, uncompiled source code that is the object of the analysis in *Kozuka*. *See Kozuka*, FIGURES 5A-C; *id.* 4:60 – 5:41. Accordingly, *Kozuka* fails to teach, suggest, or disclose “a first existing executable module and a second existing executable module” as recited, in part, in Claim 25. Moreover, *Kozuka* necessarily fails to teach “determining a first operation associated with the first existing executable module ... determining a second operation associated with the second existing executable module” as recited, in part, in Claim 25.

For at least these reasons, Claim 25 is patentable. Independent Claims 38 and 48 are patentable for reasons analogous to Claim 7. Claims 30-34, 36-37, 43, 44, 46, and 47 are allowable as depending from an allowable base claim and as defining further distinctions over the cited patent. Accordingly, Applicant respectfully requests allowance of Claims 25, 30-34, 36-37, 38, 43, 44, 46, 47 and 48.

Section 103 Rejections

The Office Action rejects Claims 35, 45, and 49 under 35 U.S.C. § 103(a) as being unpatentable over *Kozuka* in view of U.S. Patent No. 5,632, 022 issued to Warren *et al.* (“*Warren*”). The Office Action rejects Claims 26-29, and 39-42 under 35 U.S.C. § 103(a) as being unpatentable over *Kozuka*. Applicants respectfully traverse the rejections and all findings and assertions therein. For at least the reasons discussed above in regard to Claim 25, Claims 26-29, 35, 39-42, 45, and 49 are patentable because *Kozuka* and *Warren*, whether alone or in combination, fail to teach, suggest, or disclose “a first existing executable module and a second existing executable module.” Accordingly, Applicants respectfully request allowance of Claims 26-29, 35, 39-42, 45, and 49.

Drawings

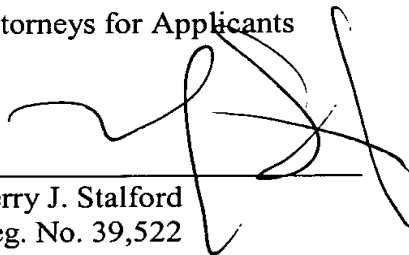
The Office Action does not appear to indicate whether the formal drawings submitted by Applicants were accepted. Applicants respectfully request that the formal drawings be considered and accepted.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all Claims.

Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Respectfully submitted,
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